PB-244 924

PUBLIC HEARING REGARDING 180-DAY NOTICE TO THE SANTA FE LAND IMPROVEMENT COMPANY OF VIOLATION OF STATE AND FEDERAL WATER QUALITY STANDARDS FOR THE INTERSTATE WATERS OF THE KANSAS AND MISSOURI RIVERS HELD AT KANSAS CITY, KANSAS ON 13 JULY 1971

Environmental Protection Agency
Kansas City, Missouri

January 1971

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PUBLIC HEARING

regarding 180-day notice to the

Santa Fe Land Improvement Company

of violation of

State and Federal Water Quality Standards

for the Interstate Waters of the

Kansas and Missouri Rivers

held in

Kansas City, Kansas

July 13, 1971

TRANSCRIPT OF PROCEEDINGS

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Virginia Hough Rankin, CSR

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BIBLIOGRAPHIC DATA SHEET	1. Report No.	2.	PB 244 924

4. Title and Subtitle: Public Hearing regarding 180 day notice to the Santa Fe Land Improvement Company of violation of State and Federal Water Quality Control Standards for the interstate waters of the Kansas and Missouri Rivers

5. Report Date: January, 1971

6.

7. Author(s)

8. Performing Organization Rept. No.

9. Performing Organization Name and Address: U.S. Environmental Protection Agency, Region VII, Kansas City, Missouri

10. Project/Task/Work Unit No.

11. Contract/Grant No.

12. Sponsoring Organization Name and Address: U.S. Environmental Protection Agency, Region VII, Kansas City, Missouri

13. Type of Report & Period Covered

14.

15. Supplementary Notes

16. Abstracts: A transcript of the proceedings from the public hearing.

17. Key Words and Document Analysis. 17a. Descriptors

* Water Quality

17b. Identifiers/Open-Ended Terms

Violations
Kansas River
Missouri River
* Federal Water Quality Control Standards
Public hearings

17c. COSATI Field Group

PRICES SUBJECT TO CHANGE

18. Availability Statement

19. Security Class (This Report)	21. No. of Pages
UNCLASSIFIED	72
20. Security Class (This Page) UNCLASSIFIED	22. Price 4.25 - 2.25

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A public hearing regarding 180-day notice to the Santa Fe Land Improvement Company, of Amarillo, Texas, of violation of State and Federal water quality standards for the interstate waters of the Kansas and Missouri Rivers convened at 9:30 o'clock on July 13, 1971, at the Holiday Inn, Kansas City, Kansas.

PRESIDING:

John M. Rademacher, Regional Director
Region VII
U. S. Environmental Protection Agency
Kansas City, Missouri

PARTICIPANTS:

Robert L. Markey, Director
Division of Enforcement, Region VII
U. S. Environmental Protection Agency
Kansas City, Missouri

Patrick K. Monahan, Chief
Enforcement Branch, Region VII
U. S. Environmental Protection Agency
Kansas City, Missouri

Howard Duncan
Kansas State Department of Health
Topeka, Kansas

Charles W. Brenneisen, Jr.
City Attorney
Kansas City, Kansas

Hugh P. Doherty, Commissioner
Department of Boulevards, Parks and Streets
Kansas City, Kansas

PARTICIPANTS (continued):

George Maier, Jr., Attorney
for Santa Fe Land Improvement Company
Kansas City, Kansas

J. B. Reeves, General Attorney
The Atchison, Topeka and Santa Fe Railway Company
Topeka, Kansas

C. H. Sandberg, Chief Engineer
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John Engler, Construction Engineer
The Atchison, Topeka and Santa Fe Railway Company
Topeka, Kansas

W. C. Merritt, Land and Tax Agent
Santa Fe Land Improvement Company
Amarillo, Texas

- - -

P R O C E E D I N G S

MR. RADEMACHER: The hearing is open.

The Administrator of the Environmental Protection Agency is charged by law with specific responsibilities in the field of water pollution control, and the Federal Water Pollution Control Act as amended provides that the discharge of matter into the interstate waters or portions thereof which reduces the quality of such waters below the water quality standards established by law is subject to abatement as provided in the Federal Act. This applies whether the matter causing or contributing to such reduction of water quality is discharged directly into such waters or reaches such waters after discharge into a tributary.

Pursuant to Section 10(c)(5) of the Federal Water Pollution Control Act as amended and applicable regulations published in the Federal Register, the Administrator of the Environmental Protection Agency, William D. Ruckelshaus, on June 1, 1971, sent a letter to the Santa Fe Land Improvement Company of Amarillo, Texas, notifying the company that its operations located on and discharging effluent into the Kansas River are responsible for violation of the established State and

Federal water quality standards for the interstate waters of the Kansas and Missouri Rivers. Administrator Ruckelshaus' letter constitutes a 180-day notification of the violation of the established water quality standards.

At this informal public hearing we will discuss the alleged violations with the Santa Fe Land Improvement Company, outline the pollution problems and ascertain what appropriate remedial action may be taken on a voluntary basis. If this matter is not satisfactorily resolved within 180 days from June 1, 1971, the date of the 180-day notice, an abatement action may be brought against the Santa Fe Land Improvement Company by the United States pursuant to Section 10(g) of the Federal Water Pollution Control Act as amended. Additionally, in the event that satisfactory arrangements for abatement of pollution cannot be established through the informal hearing procedures, this agency may also consider action under the Rivers and Harbors Act of 1899, 33 U.S.C. 407, the Refuse Act, at any time.

A record and verbatim transcript of this meeting is being made by Mrs. Virginia Rankin so that

we may have a complete record of what is said here. Mrs. Rankin is an independent contractor. This record will not be published, but will be available for inspection in the Environmental Protection Agency's regional office in Kansas City and in Washington, D.C., during normal business hours, and if anyone else wants a copy of the transcript, either in whole or in part, you should make your arrangements with Mrs. Rankin. The transcript, of course, is open to all.

We would like the participants in the hearing to introduce themselves. The parties to the hearing are the Federal Government, that is the Environmental Protection Agency, and the Santa Fe Land Improvement Company, and we have also asked both the States concerned to participate.

So that all may recognize the primary participants, I will at this time ask them to introduce themselves and identify the organization he represents and his position in that.

Bob.

MR. MARKEY: Robert Markey, Director, Division of Enforcement, EPA, Kansas City.

MR. MONAHAN: Patrick Monahan, Chief of the

Enforcement Branch, EPA, Kansas City.

MR. DUNCAN: Howard Duncan, representing the Kansas State Department of Health.

MR. BRENNEISEN: Charlie Brenneisen, City Attorney, Kansas City, Kansas.

MR. DOHERTY: Hugh Doherty, Commissioner of Boulevards, Parks and Streets, Kansas City, Kansas.

MR. MAIER: George Maier, Attorney at Law for Santa Fe Land Improvement Company.

MR. REEVES: J. B. Reeves, General Attorney, the A.T.&S.F. Railway Company, here representing Santa Fe Land Improvement Company.

MR. SANDBERG: C. H. Sandberg, Chief Engineer, Santa Fe Railway.

MR. ENGLER: John Engler, Construction Engineer, Santa Fe Railway.

MR. MERRITT: W. C. Merritt, Land and Tax Agent, Santa Fe Land Improvement Company.

MR. RADEMACHER: Thank you. My name is John M. Rademacher and I have been designated by Administrator Ruckelshaus as Chairman for this informal hearing.

We also invite statements from concerned citizens or groups. It would be desirable to have these

statements in writing. If you do not have a written statement and wish to submit one, this record will be open ten additional calendar days in order for you to submit your statement. Please mail any statement you submit to me at our regional office, the Environmental Protection Agency, 911 Walnut Street, Kansas City, Missouri, zip code 64106.

At this point I would like to ask Mr. Markey to introduce the people that will make the presentation for the Federal Government.

ROBERT L. MARKEY, DIRECTOR
DIVISION OF ENFORCEMENT, REGION VII
U. S. ENVIRONMENTAL PROTECTION AGENCY
KANSAS CITY, MISSOURI

MR. MARKEY: The people who will be presenting the government case will be William Keffer, Chief of Federal Investigations for EPA, Kansas City, and Patrick Monahan, Chief of Branch of Enforcement, Kansas.

May we have the testimony of Mr. William Keffer.

W. J. Keffer

MR. RADEMACHER: State your name, Mr. Keffer, and your position, so that the record is complete.

WILLIAM J. KEFFER, SANITARY ENGINEER
OFFICE OF TECHNICAL SUPPORT, REGION VII
U. S. ENVIRONMENTAL PROTECTION AGENCY
KANSAS CITY, MISSOURI

MR. KEFFER: Mr. Chairman, ladies and gentlemen.

I am William J. Keffer, Sanitary Engineer, with the Office of Technical Support, Region VII, the Environmental Protection Agency. I have the Federal statement to the Chairman summarizing the technical findings of our water quality investigations relating to the waste discharges by the Turner Industrial Park of the Santa Fe Land Improvement Company, Kansas City, Kansas.

I. AREA DESCRIPTION

The Turner Industrial District is located in a bend of the Kansas River generally north of Kansas Avenue between the Turner Bridge and the west Kansas Avenue Bridge. The 16-inch interceptor sewer which discharges to the Kansas River at River Mile 6.05L

was constructed by the Santa Fe Land Improvement Company and is operated and maintained by them. This sewer carries the untreated domestic and process wastes from all industries in the Turner Area. Wastes are discharged in the amount of about 0.6 MGD during dry weather.

During periods of precipitation, this sewer flow increases to an estimated 2.5 MGD by the addition of stormwater.

II. WATER QUALITY STUDIES

A. In 1968 a baseline water quality investigation of the main stem Missouri River as well as location of the major areas of pollution and documentation of the responsible parameters was undertaken by the Regional Office. These studies were carried out in September and October of 1968 and in January of 1969. Further biological and microbiological studies on the main stem were carried out in the fall and winter of 1969 and 1970.

B. During September and October 1970 water quality conditions in the Lower Kansas River were investigated by the Region VII EPA office. General conditions in the lower 15 miles of river and contribution of significant point waste sources were investigated

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for possible violations of standards and regulations. One of the point sources characterized was the 16-inch diameter outfall at River Mile 6.05L of the Kansas River which carries the untreated wastes of the Turner Industrial District into the Kansas River.

Conclusions of this effort were:

1. Discharges of municipal and industrial wastes to the lower river contribute to the severe depression of dissolved oxygen concentrations in the lower river. Levels as low as 2.2 milligrams per liter were found during this period.

2. Bottom sediments are anaerobic in this reach.

3. Oil was visually observed on the water surface and river banks and in the bottom sediments.

4. The absence of bottom dwelling organisms in several areas suggests the presence of toxic materials in the sediments.

5. Bacterial concentrations were recorded in the river as high as 72,000 fecal coliforms per 100 milliliters.

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6. During this sampling activity this outfall was observed to be discharging raw fecal solids. At the river's edge these fecal solids and other organic materials were deposited and caused a septic condition.

7. Sampling personnel noted a peculiar sweetish odor, resembling amyl acetate, at the discharge location, which after brief exposure caused nausea and a loss of equilibrium.

Specifically, analyses of samples collected between September 28 and October 13, 1970, indicate the following contaminant levels in the discharge:

1. Phenolics - Compound levels ranging from 93 to 865 micrograms per liter.

2. Organic Wastes - BOD_5 levels to 108 milligrams per liter and COD levels to 522 milligrams per liter.

3. Oil and Grease - Levels in the effluent ranged from 20 to 100 milligrams per liter.

4. Coliform Levels were recorded as high as 1,800,000 fecal coliforms per 100 ml, with the arithmetic mean of nine samples collected

at this time being more than 350,000 MF/100 ml. Levels in the river immediately above this point averaged 15,000 MF/100 ml for five samples taken during the same period.

These data were furnished to both the Kansas State Department of Health and the Santa Fe Land Improvement Company.

C. A second sampling effort was carried out on June 16 to 18, 1971, in order to further characterize this discharge and to provide current data for this hearing. At this time the character of the effluent was documented by monitoring this discharge for approximately eight hours each day and collecting daily composite samples for analyses. Observations of the engineer who performed the field survey include:

1. Rapid color changes of the entire effluent stream from red to green to gray and also rapid fluctuations in the amount of visible solids, including garbage, fecal material and meat scraps.

2. Strong disagreeable sweet odors in the area of the outfall.

3. Highly visible foam occurring on

the river during certain discharge cycles.

4. Average daily dry weather flow to the river from this sewer was estimated to be 650,000 gallons per day.

Specifically, the analyses of samples collected between June 16 and 18, 1971, indicate the following contaminant levels in the discharge:

1. Phenolics - Levels ranging from 320 to 3,700 micrograms per liter.

2. Organic Wastes - BOD levels as high as 950 milligrams per liter. COD levels as high as 2,130 mg/l, with daily averages of COD as high as 1,870 mg/l and carbon in sediments as high as 3.11 percent.

3. Coliform Levels - Federal coliform levels as high as 3,500,000 per 100 ml were measured in the effluent samples.

4. Toxic Materials - Copper, chromium, nickel and lead were found in the composite samples, obviously discharged continuously at low levels from this outfall.

5. Oil and Grease - Levels in the effluent ranged from 31 to 546 mg/l.

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III. GENERAL CONCLUSIONS OF THE TECHNICAL INVESTIGATION EFFORTS

Data from the two sampling periods indicate continuing pollution. No improvement in effluent quality was noted from 1970 to 1971, and, in fact, the specific analyses of the later samples indicate generally higher levels of polluting materials than those encountered in the earlier samples. Obviously no change in character of effluent quality has occurred; no in-plant controls or treatment systems have been installed.

Samples collected in the lower Kansas River show a drastic decline in dissolved oxygen from 7.6 mg/l at River Mile 7.0 (1 mile upstream of the subject outfall) to 2.4 mg/l near the mouth. Wastes discharged by the Santa Fe Land Improvement Company sewer contribute to this condition by the continued discharge of wastes with oxygen demands as high as three times that of normal untreated municipal sewage. Domestic wastes afforded secondary treatment would be expected by comparison to have a BOD_5 of 20 to 30 mg/l and a COD of less than 50 mg/l.

Past investigations have documented severely degraded bottom life in both the Kansas and Missouri

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Rivers. Only pollution tolerant organisms, including sludgeworms, moth flies and midge larvae, were found in the bottom animal community in the Kansas River at River Mile 0.5. Similarly, wastes from the Kansas City Metropoligan Area, including discharges from the Santa Fe Land Improvement Company outfall, caused degradation of bottom life in the Missouri River below the Kansas River as evidenced by the absence of pollution sensitive organisms. Organic carbon analyses, made on bottom sediments from the lower eight miles of the Kansas River, showed the highest concentrations in 18 samples of 3.11 percent occurred directly below the point of discharge of the Santa Fe Land Improvement Company outfall and the next highest concentration of 2.95 percent at a point 50 feet downstream of this outfall. In the area directly below the outfall bottom sediments are anaerobic, as evidenced by the continued release of septic gasses to the stream surface.

A special fish flesh taste survey conducted in the fall of 1969 found that caged catfish placed both in the Kansas River below Santa Fe Land Improvement Company and downstream from the Kansas River in the Missouri River acquired an unacceptable flavor as a

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result of waste discharges in the Kansas City Metropolitan Area. The Santa Fe Land Improvement Company is a significant contributor to this condition due to the discharge of phenolic compounds from their outfall. Current data indicates phenolic compound levels in the effluent to be more than 1,000 times greater than levels considered to be critical and which may cause undesirable tastes and odors in domestic water supplies and undesirable flavors in fish flesh from fish caught in the water.

The current analyses of samples from the Santa Fe Land Improvement Company outfall show oil and grease as well as several toxic heavy metals at levels which are unacceptable and also at levels far in excess of those which can be controlled using treatment processes currently available.

This concludes our statement, Mr. Chairman.

MR. MARKEY: Thank you.

MR. RADEMACHER: Mr. Keffer, the data for all this for this presentation, of course, is available and can be submitted for the file?

MR. KEFFER: All of the raw data is in store and has been furnished to both Santa Fe and the Kansas State Health Department.

P. K. Monahan

MR. RADEMACHER: Fine, it is available.

Mr. Markey.

MR. MARKEY: May we have the presentation of Mr. Monahan to cite violations in our recommendations.

PATRICK K. MONAHAN, CHIEF
ENFORCEMENT BRANCH, REGION VII
U. S. ENVIRONMENTAL PROTECTION AGENCY
KANSAS CITY, MISSOURI

MR. MONAHAN: Mr. Chairman, officials of the State, City, Santa Fe, ladies and gentlemen.

As Mr. Markey originally introduced me or I introduced myself, my name is Monahan. I am now Chief of the Enforcement Branch, EPA, Region VII, Kansas City. I will present the pertinent violations of Federal law which we believe are supported by the technical data just presented by Mr. Keffer.

1. The first violation includes the formal Conference-Hearing Board-Court proceedings established by Section 10 of the Federal Water Pollution Control Act, as amended.

A Conference in the Matter of Pollution

of the Interstate Waters of the Missouri River, Kansas City Metropolitan Area, was convened in Kansas City, Missouri, December 3, 1957. Recommendations resulting from this conference included that industry in the Kansas City Metropolitan Area either connect with a municipal waste disposal system or complete and put into operation adequate treatment works for disposal of domestic and industrial wastes not later than March 1, 1962, but that all efforts be made to secure earlier treatment.

These recommendations were not complied with. As a consequence, the Secretary of Health, Education, and Welfare convened a public hearing in Kansas City, Missouri, on June 13, 1960, roughly 11 years ago. The recommendations of the Hearing Board were incorporated in a Cease and Desist Order from the Secretary of Health, Education, and Welfare calling for remedial facilities to be placed under contract for construction by January 1, 1963, to be completed and placed into operation within a reasonable time thereafter.

The wheels of progress again bogged down under burden of inertia, necessitating a Progress Evaluation Meeting, which was convened on April 25, 1965. The

P. K. Monahan

Conferees recommended:

"That all municipal and industrial wastes originating in the municipal systems in accordance with the requirements of the State agencies, and that all these works be completed and in operation by January 1, 1967."

Thirteen and one-half years after the convening of the first formal Federal-State action we have still not seen full compliance with requirements for collection and treatment of all domestic and industrial wastes in the Kansas City Metropolitan Area. The Santa Fe Land Improvement Company, although not specifically cited in the original proceedings, is within this enforcement area. The fact that its wastes are not connected to the City system is self-evident from the fact that they are discharging their wastes to the Kansas River. The violation of the alternate criteria of adequate treatment of wastes will be documented by the discussions to follow.

2. The second violation includes established State-Federal Water Quality Standards for the States of Kansas and Missouri.

Major violations of State Water Quality

Standards, as approved by the Federal Government, include:

A. Dissolved oxygen on the Kansas River. Whereas Kansas Water Quality Standards call for maintaining the dissolved oxygen level at or above 5 mg/l, samples collected in the lower Kansas River show a drastic decline from 7.6 mg/l at River Mile 7.0, which is 1 mile upstream from the Santa Fe Land Improvement Company's outfall, to 2.4 mg/l near the mouth. Santa Fe Land Improvement Company is a contributor to this condition via its discharge of oxygen-demanding wastes.

B. Oil and Grease Criteria--Kansas River. Water Quality Standards for the State of Kansas. "The river shall be essentially free of visible oil and grease." Discharges by Santa Fe Land Improvement Company in the concentrations previously mentioned are in direct violation of this criterion.

C. Solids--Kansas and Missouri Rivers. Water Quality Standards for both the States of Kansas and Missouri specifically prohibit man-

made deposits of solids which will have a detrimental effect. Past investigations outlined by Mr. Keffer documented severely degraded bottom life in both the Kansas and Missouri Rivers. Again, wastes discharged by Santa Fe Land Improvement Company, including raw fecal material, are a contributing factor in this degradation.

D. Taste and odor producing substances--Kansas and Missouri Rivers.

Water Quality Standards for both the States of Kansas and Missouri specifically prohibit taste and odor producing substances from man-made sources which impart unpalatable flavor to fish. As pointed out by Mr. Keffer, special studies for fish flesh tainting have demonstrated that fish acquire an unacceptable flavor both in the Kansas River and downstream from the Kansas in the Missouri River as a result of wastes emanating from the Kansas City Metropolitan Area.

The Santa Fe Land Improvement Company is a contributing factor in this condition,

principally in its discharge of excessive amounts of phenolic compounds.

E. Bacteria Criteria--Kansas and Missouri Rivers. Water Quality Standards for both the States of Kansas and Missouri specify that fecal coliform densities during dry weather conditions shall not exceed 2000/100 ml. ast water quality investigations in 1968-70 have documented repeated violations of this criterion in the lower Kansas River and below. These same surveys established the Kansas River as a contributing source to bacterial pollution in the Missouri River, thereby contributing to interstate pollution. The Santa Fe Land Improvement Company discharging inadequately treated wastes characterized by excessive organism densities adds bacterial pollution to the Kansas River and ultimately to the Missouri River.

3. The third violation includes oil pollution provisions of the Federal Water Pollution Control Act, as amended. Section 11 of the Act prohibits discharges of oil into navigable waters in quantities which will

"(a) Violate applicable water quality standards or

"(b) Cause a film sheen upon or discoloration of the surface of the water or adjoining shoreline..."

Discharges by Santa Fe Land Improvement Company are in direct violation of this provision of the Act.

4. The fourth violation includes the Rivers and Harbors Act of 1899.

The Rivers and Harbors Act of 1899 (33 U.S.C. 407) specifically prohibits the discharge of industrial wastes to navigable waters without a permit from the U. S. Army Corps of Engineers. Section 13 of the Act makes it unlawful to discharge from any "...manufacturing establishment, or mill of any kind, any refuse matter of any description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water..." provided that a discharge may be permitted under certain conditions specified by the Corps of Engineers. "Refuse matter" as defined by the

courts includes industrial waste and covers all "foreign substances and pollutants" except for municipal sewage. Hence any unpermitted discharge of industrial wastes constitutes a violation of the Rivers and Harbors Act. Historically, only five such permits were ever issued, none of which was to Santa Fe Land Improvement Company.

Executive Order No. 11574, signed by President Nixon on December 23, 1970, requires that all sources of industrial wastes discharging directly or indirectly to navigable waters must apply to the Corps of Engineers for permits to continue such discharges. The Environmental Protection Agency has been delegated primary Federal responsibility in water quality consideration on permit applications. We have not approved a permit for Santa Fe Land Improvement Company. It is our contention that the Santa Fe Land Improvement Company is in violation of the 1899 Rivers and Harbors Act because it is discharging refuse to a navigable stream without a permit and as such is liable for prosecution by the Government to seek relief through injunctive or criminal proceedings.

Summary and Recommendations:

In summary, then, it is the contention of the

United States Environmental Protection Agency that the Santa Fe Land Improvement Company is in violation of:

1. The Federal Water Pollution Control Act as it relates to implementation of the Hearing Board's recommendations.

2. The Federal Water Pollution Control Act as it relates to violation of Federal-State Water Quality Standards.

3. The Federal Water Pollution Control Act as it relates to the Oil Pollution Section.

4. The Rivers and Harbors Act of 1899.

In conclusion, the United States Environmental Protection Agency recommends that:

1. The Santa Fe Land Improvement Company provide a firm commitment to EPA regarding an expeditious connection to the City of Kansas City, Kansas, sewer system.

2. We also recommend that the company require pretreatment or control of individual plant wastes being discharged into their sewer system such that their

effluents are amenable to treatment by the City of Kansas City, Kansas, waste treatment facilities. This remedial work should be accomplished within 180 days.

3. We also recommend that if the Santa Fe Land Improvement Company cannot connect to the Kansas City, Kansas, sewer system within 180 days, interim treatment of wastewaters will be provided pending completion of the sewer system. Plans and specifications on the treatment facility should be completed within 60 days after the company determines that it cannot effect this connection.

4. We also recommend that the Santa Fe Land Improvement Company will submit a firm schedule to EPA showing dates for initialization and completing of actions for accomplishing the items set out in 1, 2, and 3 above within the next 30 days.

This concludes our statement, Mr. Chairman.

MR. RADEMACHER: Thank you, Mr. Monahan.

Mr. Markey, do you have any comment?

MR. MARKEY: No, I have no comments to make on this.

This concludes the Federal presentation of their case.

I would like to hold the record open for additional comments by the Environmental Protection Agency as directed by the Chairman.

MR. RADEMACHER: Do you have such comments in the offing?

MR. MARKEY: Not at the present, no.

MR. RADEMACHER: At this point I would like to call on the State of Kansas. Although not a direct participant in the action, since this was an action taken by the Federal Government against the Santa Fe Land Improvement Company, we have, in the spirit of cooperation, working with the States and the State water pollution control agencies, invited and asked them to participate.

Mr. Howard Duncan represents the State Department of Health in Kansas, is here with us today, and I would ask him to make what comments he may feel germane to the situation.

HOWARD DUNCAN

KANSAS STATE DEPARTMENT OF HEALTH

TOPEKA, KANSAS

MR. DUNCAN: I have no prepared statement, so I don't have a copy for myself to read.

The Kansas State Department of Health feels that the matter must be resolved. There is a problem. Connection must be made to the Kansas City, Kansas, sanitary sewer system with treatment at the Kansas City, Kansas, water pollution control facilities.

The Kansas State Board of Health considered the very important complex matter of sewerage for the City of Kansas City, Kansas, and it concluded that there is a need for a greater effort and earlier implementation for certain aspects of the matter as a necessity for the health of the public and for the maintenance of State water quality criteria.

The Board in a formal order made specific directives on the part of Kansas City, Kansas. One of them of particular pertinence to the matter under review today is the Argentine interceptor sewer.

The tentative agreement between the Santa Fe Land Development Company and the City of Kansas City,

Kansas, is for the Argentine interceptor sewer to connect and receive sewage from the Santa Fe Land Development Company industrial park as well as the Atchison, Topeka & Santa Fe Railway Company's Argentine diesel locomotive shops. The order from the Kansas State Board of Health specifies that by no later than 15 October 1971 the City of Kansas City, Kansas, is to notify all industrial users of the Argentine interceptor sewer of any pretreatment requirements which will be made prior to connection or allowance of connection to the municipal sewer system. Information on all such notifications is to be sent to the Kansas State Department of Health in addition, which will then issue directives for compliance by those industries needing sewage pretreatment facilities. The provision of these facilities by industries is anticipated prior to activation of the interceptor sewer.

The reason for this action is to avoid a situation where the interceptor sewer would be provided and then the city would find that the wastes were of such characteristic that they could not be received at the plant. In other words, we are trying to forecast and avoid a future delay, a future potential problem.

That pretty well states the position of the Kansas State Department of Health and the Board of Health, its governing body.

I would like to make one point for the official court record of this informal hearing. There is an implicit theme in the Federal presentation that in our opinion is fallacious. The theme, even though not directly stated, is that the provision of this treatment and/or connection will magically correct the quality of waters in the Kansas and Missouri Rivers. This is not so. Caged catfish after this connection will develop undesirable taste characteristics.

Now, notwithstanding this, there is a problem that needs to be corrected, but this correction being talked of today is only a part of the total picture.

MR. RADEMACHER: I couldn't agree with you more, that it is only a part of it, but it is a start.

MR. MARKEY: Mr. Chairman, I would like to comment on that.

Our field investigations have revealed about in excess of 40 outfalls discharging inadequately treated wastes or untreated wastes to the Kansas and Missouri Rivers in the Kansas City area. In order to move ahead

in water pollution control, we will have to obtain treatment for this waste, perhaps on a case-by-case basis. This is a start in that direction.

That is my comment.

MR. RADEMACHER: Thank you, Mr. Markey.

I would like to ask you, Mr. Duncan, are there any industries in this Turner industrial park who do have pretreatment at the present time?

MR. DUNCAN: There is one industry, to my knowledge, that does, a meat processing firm which recently located in the Santa Fe Land Development Company. I believe it is the Swift Company. It takes animal carcasses--they do not slaughter, but they take animal carcasses and then break them into restaurant and retail cuts. The Kansas State Department of Health required this company to put in treatment facilities which discharge into the sewer and thence to the river. The significance of this is that the overflow in this sewer is raw, untreated sewage.

I think that is the matter to which you were referring.

MR. RADEMACHER: I think it is important, and I am sure that Mr. Duncan agrees with me, that this

pattern is already established. And, in fact, the order that you talked about--did you mention the date of that order, Mr. Duncan?

MR. DUNCAN: The order was formally issued by the Kansas State Board of Health on 9 July 1971, approved, acknowledged, and signed by John Blank, Medical Doctor, President Kansas State Board of Health.

MR. RADEMACHER: Within this order, as I understand it, there is also a section calling for enforcement of the city's sewer ordinance, that this is one of the key elements in any well-operated system, and one of the problems, I guess, that the City of Kansas City has had in the past.

I would for the record appreciate having the order in total submitted to be included as part of this record so that we will have a full and complete understanding of this thing.

MR. DUNCAN: You may have it.

MR. RADEMACHER: So that we will submit by the State the order that was issued on July 9.

(Which Order reads as follows:)

Water Pollution Control

THE KANSAS STATE BOARD OF HEALTH

STATE OFFICE BLDG. 34
TOPEKA
KANSAS

E. D. LYMAN, M. D., M. P. H.
Executive Secretary

received
JUL 12 1971

ORDER

FILED
JUL 12 1971
GEORGE T. GRONEMAN
CITY CLERK

TO: Mayor and City Commissioners
The City of Kansas City, Kansas
City Hall, 805 North Sixth Street
Kansas City, Kansas 66101

At a regular meeting of the Kansas State Board of Health on 9 July 1971 the very important and complex matter of sewerage for the city of Kansas City, Kansas was considered. The need for greater effort and earlier implementation of certain aspects of the matter was concluded as a necessity for the health of the public and for maintenance of state water quality criteria. Specific actions by the city of Kansas City, Kansas as part of correction of the sewerage problems were directed by the Kansas State Board of Health as follows:

1. Fairfax Industrial District - Industrial and domestic waste waters from the Fairfax Industrial District (excepting uncontaminated cooling waters, runoff waters from storms, and that portion of storm-augmented sewage flows in excess of the capacity of the municipal lift station serving the Fairfax Industrial District shall be continuously received and treated by the city commencing no later than 15 August 1971.

2. Argentine Interceptor Sewer - The Argentine Interceptor Sewer is to be in service by no later than 1 July 1972 including availability to the A. T. & S. F. Railway Company Argentine diesel locomotive shops and the Santa Fe Land Development Company industrial park. By no later than 15 October 1971 the city of Kansas City, Kansas is to notify all industrial users of the Argentine Interceptor Sewer of any pretreatment requirements which will be required for connection to the municipal sewer system. Information of all such notifications is also to be sent to the Kansas State Department of Health which will issue directives for compliance by those industries needing sewage pretreatment facilities. The provision of these facilities by the industries is anticipated prior to activation of the interceptor sewer.

3. **Turkey Creek Interceptor Sewer** - The City of Kansas City, Kansas is to reach a final decision on a plan of action regarding the Turkey Creek Interceptor Sewer before 1 January 1972. Such plan is to include a commitment for the facilities to be operational by no later than 31 December 1975.

4. **Enforcement of City Sewer Ordinance** - The municipal ordinance on sewerage, particularly as it pertains to the nature and acceptability of industrial waste waters and pretreatment facilities, must be routinely enforced. The previously employed method of bypassing industrial and domestic sewage to the receiving river in a raw state rather than experience an operational problem must in the future be limited to occasions of greater emergency. If problem waste waters in nonconformance with the municipal sewer ordinance are being received, the appropriate action is to require correction by the industry. In those situations where enforcement methods by the city have been exhausted or are ineffective, assistance should be sought from the Kansas State Department of Health.

This order is issued in compliance with and within the authority given the Kansas State Board of Health in K.S.A. 65-161 through 65-171h, as amended. Should you consider the requirements of this order to be illegal, unjust or unreasonable you may, within thirty days after the making of this order, appeal therefrom to the district court of the county in which such polluted condition occurs.

This order has been approved, acknowledged and signed this 9th day of July 1971 by:

John Blank, M.D., President
Kansas State Board of Health

cc: Kansas Attorney General
City Attorney, Kansas City, Kansas
Kansas City-Wyandotte County Health Department

C. W. Brenneisen

MR. RADEMACHER: The State of Missouri is not present today.

I would like at this time to call on the Santa Fe Land Improvement Company and their spokesman to make what presentation they might desire to make at this time.

MR. REEVES: I would be pleased to, sir, but I believe it would be in better context to yield to Mr. Brenneisen and then I will follow him.

MR. RADEMACHER: Mr. Brenneisen of the City of Kansas City, Kansas.

Will you state your name and title, please.

CHARLES W. BRENNEISEN, JR.

CITY ATTORNEY

KANSAS CITY, KANSAS

MR. BRENNEISEN: My name is C. W. Brenneisen, Jr., City Attorney of Kansas City, Kansas.

Mr. Chairman, I am going to make this statement on behalf of Hugh P. Doherty, Kansas City, Kansas, Commissioner of Boulevards, Parks and Streets, who has under his responsibility the construction and maintenance of sewers.

The City of Kansas City, Kansas, is contemplating

taking over the ownership and operation of the Santa Fe Land Improvement Company sewers in Kansas City, Kansas, together with the construction of the necessary interceptor sewers to carry the sewage from these sewers to the City's treatment plant. It will take more time for the City and Santa Fe's legal and engineering staffs to work out the details, and the City would also like to have the advantage of consultations with the Federal and State staff personnel concerning our proposed arrangements.

The City feels that we can work out these details by August 25, 1970.

That is our statement, Mr. Chairman.

MR. RADEMACHER: Thank you, Mr. Brenneisen. Do you have a copy of that statement?

MR. BRENNEISEN: I don't have a copy, an exact copy, of that.

MR. RADEMACHER: Mr. Reeves.

MR. REEVES: Yes, sir.

J. B. REEVES, GENERAL ATTORNEY
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TOPEKA, KANSAS

MR. REEVES: I am J. B. Reeves, General Attorney for the A.T.&S.F. Railway Company. I am here representing the Santa Fe Land Improvement Company.

I believe, sir, it would be helpful if at the outset I tried to put this matter a little bit in context so that all might understand the legal problems that Mr. Brenneisen and I are concerned with.

All the way through this has been referred to as the Santa Fe Land Improvement Company sewer and that the Santa Fe Land Improvement Company is making these discharges, and so forth.

As a matter of history, it is true the Santa Fe Land Improvement Company, this land at that time being completely outside of the City of Kansas City, Kansas, did put in this particular sewer line to serve what we called the Argentine internal industrial district. The process, therefore, is that this land is then sold to industries, which in turn hook onto this sewer system.

In the intervening time there have been

connected to this sewer system areas over which the Santa Fe had no control and no interest. It was simply a case that the sewer system was there, the area was developing, and people desired to hook onto it. As a matter of comity, and it being a part of a community, you permit such connection.

For example, there has been some mention of Swift. Well, the City is the one that built the sewer in Speaker Road and connected to the Santa Fe sewer.

I will also call your attention to the fact that the Shawnee Township Sewer District No. 8 connected its lines to the Santa Fe sewer, and you have several both individual homes as well as industries on this Shawnee Township District No. 8 line.

Then we have Turner Village, which as I understand it--I am not too familiar with Kansas City, Kansas; correct me if I am in error--but I understand it consists of a bank, some sort of an eating house, and an automobile establishment, that type of thing. Turner Village was developed and they needed a sewer system and so they said, well, the Santa Fe sewer line is there, may we connect onto it.

So you see, if you gentlemen please, you can

recognize immediately the legal problems that Mr. Brenneisen and I have to work out in order to get this problem behind us, because we are not dealing with just a monolithic situation with one sewer system owned by one company and one situation.

I would like to stress something in the record because of the position that has been taken concerning the hearings starting back in 1957. I have some familiarity with them. The Santa Fe Land Improvement Company was not a party to those records. The A.T.&S.F. Railway Company was, and I would invite your attention to the fact that the Santa Fe Railway Company is now in full, total compliance with all the recommendations that were made.

There was one further thing which happened to result in a need for a secondary treatment plant involving the diesel oil. That secondary treatment plant is presently under construction. I have the engineer here with me, who can give you the final completion date of that secondary treatment plant just as a matter of interest. But I am trying to indicate to you that there has been no delay on behalf of the Santa Fe industries in connection with this matter.

Now, this is the problem we have run into with this SFLI sewer. In 1965 this land was annexed to the City. From 1965 to date Mr. Brenneisen and I and the City people of Kansas City, Kansas, and the Santa Fe engineers have been working on this problem. Gentlemen, one of the things that completely and totally stopped us for over three years was the issue of where this interceptor sewer could go, because we could not obtain from the Corps of Engineers exactly their plans for the flood control dikes that were being built in this area. I have records in my files of at least three different plans that were advanced, all of which had to be modified awaiting the Corps of Engineer approval so we would not interfere with the Corps of Engineers.

MR. RADEMACHER: Do you have that approval at this point?

MR. REEVES: Pardon me?

MR. RADEMACHER: Do you have that approval at this point?

MR. REEVES: Yes, sir. I am just trying to get to it.

In December of 1970 was the first time that we were in a position to develop a final plan that does

not conflict with the Corps of Engineers project, and I am well aware that from that time forward the City has been working very diligently on their plans for an interceptor sewer. We forwarded to the City in January all of the documents necessary for the transference of this sewer to Kansas City, Kansas. I have not heard from Mr. Brenneisen. He may desire some modification of these documents. If he does, I am sure we can work it out.

But the thing I am trying to indicate is that from 1965 we have been working on this. It was not until December of '70 that we finally could get around the Corps of Engineers problem so that we could proceed.

I believe that the--

MR. RADEMACHER: I would hope that our permit program that we have presently got under way in cooperation with the Corps will not have to take that long.

MR. REEVES: Well, I would trust so, sir. (Laughter)

Now, in connection with the terms of the permits, I would call your attention to the fact that the application for an SFLI permit is on file and it is on file subject to these conditions I have indicated.

that we are working just as rapidly as we possibly can to get both the legal and the engineering problems behind us.

Mr. Chairman, we have a letter that directs that we inform you as to four areas:

1 - What industries are discharging into the system;

2 - The quality and character of discharges;

3 - The steps to be taken to bring the discharges into compliance; and

4 - The proposed timetable of overall plans.

As to questions 1 and 2, Mr. Sandberg is present with me. He can give you that full and complete information with the itemization of all the industries and the nature of their discharge.

As to items 3 and 4, we have indicated to you we are working as fast as we can with the problems that we have to deal with. I would certainly second the request to the City that we please be given--

Your date was what?

MR. BRENNEISEN: 25th of August.

J. B. Reeves

MR. REEVES: 25th of August. We ask to please be given until the 25th of August for a time to come forward, when we can hopefully at that time present to you a precise timetable. Obviously there are delays in simply ordering materials, much less getting them into the ground, and so until we have worked out the legal and engineering problems it would not be prior to the 25th of August before we could give you the precise timetable which is requested.

However, Mr. Sandberg can answer the questions 1 and 2 if you desire those answers at this time, sir.

MR. RADEMACHER: Yes, go right ahead, Mr. Sandberg.

Thank you, Mr. Reeves.

C. H. SANDBERG, CHIEF ENGINEER
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TOPEKA, KANSAS

MR. SANDBERG: First off, it was exactly 11 years ago today that the Surgeon General had a hearing about pollution in the Kansas and Missouri Rivers and I happened to be there. My lawyer here also was present. I don't imagine very many of you gentlemen here today

were present 11 years ago.

MR. RADEMACHER: In spirit, sir. I was in Chicago following the case very closely.

MR. SANDBERG: You were?

After listening to Mr. Keffer's very technical and learned report, you get the idea that things are pretty bad. Well, 11 years ago I made a trip up the river in the Corps of Engineers boat and things were bad then. Since then I have been up the river and conditions have improved tremendously. I don't deny that there are conditions that should be taken care of, but there has been a great improvement in the pollution of the Kansas and Missouri Rivers.

What industries discharge into the SFLI sewer? There are some 20 industries that discharge into this sewer, and I would like to present a list here.

MR. RADEMACHER: Thank you, Mr. Sandberg. That will be included as part of the record.

(The list referred to follows:)

Industries Connected To SFLI Sanitary Sewers. Industrial District

ture Exp	# Connected	Signed Waiver	
	7	yes	Ashland Oil and Refining Company Post Office Box 391 Ashland, Kentucky 41101
	?	No	Empire Oil Company, Inc. 16400 East Highway 40 Independence, Missouri 64055
	771	N.	Fairbanks Morse, Inc. 3601 Kansas Avenue Kansas City, Kansas 66106
	125	No	Perk Foods 4141 Kansas Avenue Kansas City, Kansas 66106
	300	No	Sav-On Stores, Inc. 5400 Kansas Avenue Kansas City, Kansas 66106
	30	yes	Turner Village % Turner State Bank 5429 Turner Road Kansas City, Kansas 66106
	110	yes	R. C. Can Company 5500 Kansas Avenue Kansas City, Kansas 66106
	300	yes	Thompson-Hayward Chemical Company 5200 Speaker Road Post Office Box 2383 Kansas City, Kansas 66110
	135	yes	Interpace Corporation 5622 Kansas Avenue Kansas City, Kansas 66106
	—	No	Moved in 1968 Kansas Transit Terminal, Inc. 1701 Liberty Kansas City, Missouri 64102
	400	yes	Associated Wholesale Grocers, Inc. Under Construction 1601 Fairfax Trafficway To Be Occupied March 1972 Kansas City, Kansas 66115
	8		R. E. Meeker 5731 Kansas Ave.

ure Exp	# Connected	Signed Waiver	
?	150	yes	T.G.& Y. Stores 3815 North Santa Fe Post Office Box 25967 Oklahoma City, Oklahoma 73125
	(141)		JFLI Agreement 435 CITY SEWER Maintenance Dept City of Kansas City 805 North Sixth Street Kansas City, Kansas 66101 Agreed To Assume Cost if treatment required.
			(135 Interface 6 Jack Jones)
	125	yes	Southwest Forest Industries Midwest Container Division Post Office Box 6009 Kansas City, Kansas 66106
	22	yes	Swift Food Service 115 West Jackson Boulevard Chicago, Illinois 60604
	4	yes	Manley Leasing, Inc. Truck Stop 13001 West 95th Street Gas Sta Lenexa, Kansas 66215 Motel
	1987 200		The Atchison Topeka and Santa Fe Santa Fe Trails Transportation Co. % Mr. F. A. Beauchamp Superintendent Kansas City Division 4515 Kansas Avenue Kansas City, Kansas 66106
	91	No	Strongheart Packing Company 300 South 55th Street Kansas City, Kansas 66106
99%	55		Huxtable Hammond CITY SEWER 5300 Speaker Rd KC, K 66106
	6		Jack Jones Lumber Co 5621 Kansas Ave KCK 66101
			Waiver: Waive any damages incurred due to Sewer malfunction. Tel. Conv/Merritt 6/28/71
tal	4826		

MR. SANDBERG: Next the quality and character of the discharges.

Mr. Keffer reported on that. We have had our chemists report on it and we asked the City to make a report also, so Mr. Cooke, Director of the Water Pollution Control Department, had various checks made on some of the individual industries and also at the outfall, and he writes a letter dated July 7. I would like to read this. It is short.

"At the recent informal hearing between the EPA and Santa Fe Land Improvement Company, this department offered the services of sampling personnel and our laboratory in order to ascertain the qualities of discharges which were entering the river at Kansas Avenue from the Santa Fe private sewer and additionally, to look at individual companies within the district who might possibly contribute 'problem discharges.' We have completed a two week look at the picture and are attaching copies of the results from our laboratory analysis.

"At the present time, we do not have

metal detection capabilities and have made no effort to indicate their presence. It is our understanding the EPA has also been making investigation of the discharges. Their equipment includes the capabilities of metal content analysis and ypu should rely on them for such information. This department has examined the laboratory findings and agree that insofar as this test period is concerned, the majority of individual discharges by companies in the district are acceptable to the City and should present no problems in treatment. There is one possible exception however, the Thompson-Hayward Chemical Company. They are a manufacturer or compounder of chemicals which could easily be harmful to our bacteriological treatment system. These chemicals are commonly used as pesticides, herbicides, bactericides and defoliants.

"Whenever it becomes necessary for us to receive discharge from the Santa Fe Industrial District, we will certainly institute a close-watch sampling program on the

discharge from this industry in order to protect our entire system.

"It was our understanding that your personnel attempted to establish flow quantity. We have taken the liberty of determining the average water meter readings for the month of May, 1971 for all water furnished by the Board of Public Utilities to industries within the district. The average flow indicated is a bit over 200,000 GPD, based on a 30-day average. Since most industries in the area operate on less than a 30-day basis, these figures should be adjusted to show actual operating times. We appreciate the opportunity of being of service to your district."

And then attached with this letter is the usual sampling of three industries and then at the outfall.

MR. RADEMACHER: Are you submitting that for the record, Mr. Sandberg?

MR. SANDBERG: Yes, sir, I would like to.

MR. RADEMACHER: So ordered.

(The sampling referred to follows:)

Stranghoart Packing Company

Date	Time	pH	Suspended Solids Total	Suspended Solids Volatile, ppm	COD, mg/l	Grease, mg/l	NH_3 mg/l
JUN 71	10:15A	7.2	1240	1240			
JUN 71	3:30P	7.6	100	60			
2 JUN 71	1:15P	7.9	400	360	>1073.6	220.0	
2 JUNE 71	3:30P	7.6	100	60	64.32	176.0	
3 JUNE 71	10:40A	7.9	110	110	190.32		0.0
3 JUNE	1:40P	7.8	80	80	171.29		0.0
3 JUNE	3:00P	7.8	140	140	209.35		0.0
3 JUNE	5:20P	8.4	0.0	0.0	85.64		0.1
3 JUNE	7:40P	7.7	1090.0	1040.0 ~~50.0~~	2420.0		0.76
3 JUNE	10:05P	8.4	0.0	0.0	180.0		1.18
6 JUNE	10:15A	8.2	60.0	60.0			
27 JUNE 71	12:20P		No Flow				
8 JUNE 71	10:50A	7.4	100.0	50.0	240.0		
8 JUNE 71	1:55P	7.5	620.0	590.0	4330.0		
8 JUNE 71	5:00P	7.7	60.0	10.0	157.9		
8 JUNE 71	8:00P	8.1	70.0	50.0	276.3		
8 JUNE 71	10:20P	8.1	90.0	50.0			

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Pork Foods —

Date	Time	pH	Suspended Solids Total mg/l	Volatile, mg/l	COD mg/l	Grease, mg/l	NH_3 mg/l
1 June 71	9:00A	8.1	3540.0	3540.0			
2 June 71	3:15P	7.0	60.0	60.0	761.3	690.0	
2 June 71	1:00P	7.2	600.0	580.0	390.4	102.0	
3 June 71	10.00A–11:15P Composite	6.8	270.0	0.0	1860.0		4.73
4 June 71	5:50P	6.7	0.0	0.0			0.6
24 June 71	9:40P	4.8	110.0	50.0			1.5
25 June 71	6:15P 10.00A-Comp.	6.8	1210.0	100.0			
26 June 71	10:40A	7.8	130.0	130.0			
27 June 71	8:00A	— No Flow, Plant Closed —					
28 June 71	10:40A	7.8	200.0	160.0			
28 June 71	5:40A	7.8	110.0	60.0	520.0		
28 June 71	8:20A	7.6	4300	3900	2131.49		
28 June 71	10:40A	7.9	140.0	80.0			

Thompson-Hayward Chemical Company

Date	Time Composite	pH	Suspended Solids Total	Suspended Solids volatile, mg/l	COD, mg/l	Grease mg/l
3 June 71	10:00A-11:20P	9.2	140.0	100.0	1600.0	
4 June 71	6:10P	8.7	50.0	50.0		
4 June 71	8:30P	8.3	90.0	90.0		
4 June 71	11:20P	9.3	60.0	60.0		
5 June 71	10:40A	8.0	50.0	50.0		
25 June 71	2:00P	8.2	60.0	60.0		
25 June 71	5:20P	8.9	130.0	50.0		
25 June 71	8:20P	8.7	40.0	40.0		
25 June 71	10:20P	8.7	0.0	0.0		
26 June 71	10:35A	8.6	50.0	20.0		
26 June 71	4:25P	8.6	20.0	20.0		
26 June 71	7:00P	8.7	50.0	30.0		
27 June 71	8:10A	8.3	0.0	0.0		
27 June 71	12:10P		Very Little Flow. Ok. No sample			
28 June 71	11:05A	8.8	260.0	180.0	160.0	
28 June 71	2:05P	8.5	90.0	70.0	444.0	
28 June 71	4:20P	9.2	80.0	20.0	460.0	
28 June 71	7:20P	9.2	80.0	30.0	80.0	
28 June 71	10:00P	9.0	70.0	40.0		

anta Fe Land Improvement Co. Outfall to River at Kansas Ave

Date	Time	pH	Suspended Solids Total	Suspended Solids volatile, mg/L	COD, mg/L
5 Jun 71	6:55P	7.9	230.0	230.0	
5 Jun 71	8:50P	8.2	170.0	170.0	
5 Jun 71	10:45P	8.1	90.0	90.0	
6 Jun 71	5:45P	8.6	200.0	170.0	
26 Jun 71	11:00P	8.1	170.0	130.0	
28 June 71	9:45A	7.8	120.0	120.0	340.0
28 June 71	6:00P	8.2	60.0	40.0	690.76
28 June 71	8:40P	8.1	90.0	40.0	
29 June 71	11:00P	7.8	130.0	40.0	

MR. MARKEY: Mr. Chairman, could I make a comment?

MR. RADEMACHER: Yes, Mr. Markey.

MR. MARKEY: The Santa Fe Land Improvement Company was not cited by the Hearing Board specifically. However, the outfall at the particular river mile was identified during the early 1960's, the investigation conducted during the early 1960's, as a pollution source.

MR. RADEMACHER: I think that the history shows, of course, that all of these pollution abatement acts at State-Federal conferences and hearings cover a general area and the specific sources may or may not have been identified, but the implication was that all were involved.

I think that your presentation to this point, Mr. Sandberg--yours, too, Mr. Reeves--indicates the close cooperation that does exist between you and the City, and I would say that an informal meeting, not a hearing, with the City and you people in past months since the issuance of the notice indicated a strong desire to get the job done, and I think that the people of the States of Kansas and Missouri and those people that use the waters of the Kansas River and the Missouri

Virginia Hough Rankin, CSR
KANSAS CITY, MISSOURI

River are really appreciative of this.

Do you have a further statement to make, sir?

MR. SANDBERG: Yes, I would like to comment.

Mr. Duncan mentioned our shop area. In our shop area in the 1960's we have put in a sanitary sewer system, and these sanitary sewers lead over to a City interceptor sewer at Strong Avenue, so all of our sanitary sewage from our shop area goes to a City interceptor sewer.

Now, then, the stormwater and the water from washing of locomotives and oil spillage from fueling locomotives, stormwater, all of that water is in a separate sewer system that is taken to one of our pump houses and then it goes to a large circular clarifier. We had anticipated that the effluent from this clarifier could be put into an interceptor sewer, but the interceptor sewer hasn't been built, so that was put into the river. The oil from that clarifier is pumped out into cars and disposed of.

But the Health Department said here recently that effluent is water that has some oil in suspension and it shouldn't be put into the river, so we are in the process of spending about $210,000 for a secondary

treatment of that effluent. That will be completed by October 1.

But as of now, no discharge from our shop area goes into the river unless at a storm period when the discharge might be more than 600 gallons per minute.

MR. RADEMACHER: This is not part of the area under consideration today and I think that--

MR. SANDBERG: No. Mr. Duncan mentioned it and I just wanted to show that we have been working on that and I know other industries have been too. That is what I said.

MR. RADEMACHER: And we are well aware of your efforts in this respect, as you know.

MR. SANDBERG: The river has been cleaned up a lot in the last 11 years, I can assure you.

MR. RADEMACHER: I think that there have been improvements, there is no question, but we are still at a point where we want to get further down the pike and hence prevent pollution along the line, and I think that your presentation up to this point indicates a desire to do the job.

Any further comments?

MR. REEVES: Mr. Chairman, may I make two

Virginia Hough Rankin, CSR
KANSAS CITY, MISSOURI

statements, please, sir?

MR. RADEMACHER: Yes.

MR. REEVES: One I should have made a while ago that will give you some idea as to time elements and as to the status that exists now.

The City desires, quite properly, that certain work be done on this existing system and the pump houses prior to the time the City takes over. We do have the first list that was received last Friday from the City of what they desire to be done.

Now, our first-blush guess, after working on it for the entire weekend and trying to come up with both a time and money concept, is that in terms of money we are talking about somewhere between $25,000 and $40,000, which, of course, will--

MR. RADEMACHER: This is for the first phase?

MR. REEVES: I am just talking about for bringing up to absolute perfect level the existing sewer system before the City takes over, we will be required to make an expenditure in the vicinity of $25,000 to $40,000.

And the best time guess I can give you this morning is 180 days. Now, I will assume, subject to

what I can get together with Mr. Brenneisen on, that the construction of the interceptor sewer and this work can proceed simultaneously, but nevertheless that is the only time element that I am in a position to give you as of the moment.

MR. RADEMACHER: As I understand it, it is a matter of a connection to your interceptor sewer which is on the other side of the river. Am I correct on that, Mr. Brenneisen?

MR. BRENNEISEN: We have to decide which way we are going with this interceptor and the engineers are working on that. That is one of our problems. And the cost is a problem there, too, because the State tells us to do something, one department of the State tells us to do something and then another department of the State says you can only finance it by this way and one of those conditions of financing is approval by an election and the sale of revenue bonds, so we have our problems.

I don't think there is anything here we can't work out.

MR. RADEMACHER: Let me ask this question.

You have issued an order, Mr. Duncan, or your agency has issued an order that this will be completed

by July 1, 1972?

MR. DUNCAN: That is correct.

MR. RADEMACHER: And the City has got this responsibility. Can you meet this date?

MR. BRENNEISEN: I think the City can. I think the City can. Now, I don't want to be speaking for our engineers.

MR. RADEMACHER: Would you know by August 25?

MR. BRENNEISEN: We hope to know definitely by August 25 just exactly, we hope to have the answers from the engineers and to have some definite idea on our finances by then.

MR. DUNCAN: One item of scheduling that should be clarified for the dovetailing of the State order and the Federal directive.

You talk in terms of 180 days, which would be approximately mid-November, roughly, and if connection is not made to the City sewer by that time--

MR. RADEMACHER: This is the recommendation, Howard, that Mr. Monahan made with respect to the--

MR. DUNCAN: The matter has not been finally decided?

MR. RADEMACHER: Has not been finalized. This

is the whole purpose of this hearing. I am listening to both the Federal, State, the City and the industry sides.

MR. DUNCAN: In behalf of the City and industry, then, I would recommend that you not consider the requirement of interim treatment in November, which would be utilized for a matter of two or three months at the expenditure of monies which could go to better purposes.

MR. RADEMACHER: Well, I think that what we have here is a pattern of partial treatment on the routes to go, and what I would like to do is to find out that we can arrive at some reasonable time schedule that will effect pollution control and still be reasonable in terms of accomplishment on the part of the parties concerned, and I think this is the whole notion of pollution control, but that we don't have another 11 years.

MR. DUNCAN: But after this connection the sewage will receive primary treatment only until late 1975.

MR. RADEMACHER: That is correct.

MR. DUNCAN: At which time it will receive secondary.

MR. RADEMACHER: That is correct, or such

pretreatment as may be determined by the City ordinance.

MR. DUNCAN: Yes, that is correct.

MR. RADEMACHER: That is right.

Any further statement?

MR. REEVES: You understand in terms of pretreatment we, of course, are relying upon this letter that Mr. Sandberg has.

MR. RADEMACHER: Right. We would assume that the City would take this responsibility--

MR. REEVES: Yes.

MR. RADEMACHER: --should you enter into this agreement.

MR. REEVES: Right.

MR. RADEMACHER: If this is the route it goes. Otherwise you have the prime responsibility under the permit conditions that come up, you know, under a separate route here, hitting it from all sides.

MR. REEVES: Right.

MR. RADEMACHER: Do you have any further statement to make on behalf of Santa Fe Land Improvement Company, Mr. Reeves?

MR. REEVES: I don't believe so. However, if I may, with all due apologies, I would like to take

advantage of this record to say the type of thing that we never get around to saying and that is I cannot begin to express my personal appreciation to Mr. Brenneisen and to the City for all of the cooperation they have given us in trying to arrive at a reasonable solution here.

And I do thank you, Charlie.

MR. RADEMACHER: That is a good pattern.

Now, at this point, if there are any public statements or statements from the public that any individual or spokesman representing a group would wish to make, this is the point at which you have your opportunity to set the record straight and be part of the record.

Are there any individuals or representatives of groups that wish to make a public statement?

Yes, sir. Come forward, state your name and affiliation.

DR. HAROLD BROWN, LABORATORY DIRECTOR
REGIONAL ENVIRONMENTAL PROTECTION AGENCY LABORATORY
KANSAS CITY, MISSOURI

DR. BROWN: I am Dr. Harold Brown, Laboratory Director, Regional Environmental Protection Agency

Laboratory, Kansas City, Missouri.

I simply--

MR. RADEMACHER: That is hardly a public statement. (Laughter)

DR. BROWN: I simply have a question for Mr. Sandberg.

I would think that the records of the analysis done by chemists working for the Santa Fe Land Improvement Company would be a valuable part of the record, particularly those analyses concerning the grease, oil, and heavy metal content of your primary clarifier. Would you care to make these part of the public record?

MR. RADEMACHER: This is not on the area under consideration, Dr. Brown, is it?

DR. BROWN: Well, he had mentioned that this was a--

MR. SANDBERG: We have it from this sewer here, from the SFLI sewer. Again I didn't think that we were going to talk about the rest of it.

MR. RADEMACHER: No. It is completely ungermane.

DR. BROWN: I completely misunderstood the context.

Dr. H. Brown

MR. SANDBERG: We have the analysis of the outfall from this SFLI sewer, if you would like that--

DR. BROWN: This has been done by chemists that have been hired by your firm or has this been done by the City of Kansas City, Kansas?

MR. SANDBERG: Our own chemists have made it and then, as I say, the City made it. I can give you the copy our chemists came up with.

MR. RADEMACHER: I think the point is well taken, and for the record, if you do have this information I think the State and we would like to have this information available.

MR. REEVES: Regrettably, not knowing it was coming up, we have just the one spare copy.

MR. RADEMACHER: I believe you can get a copy run off.

DR. BROWN: Fine that was my question.

MR. RADEMACHER: Thank you, Dr. Brown.

(The analysis referred to follows:)

SANTA FE LAND IMPROVEMENT CO., ARGENTINE, KANSAS

WASTE WATER EFFLUENT

SANITARY SEWER

Date	Time	pH	BOD P.P.M.	COD P.P.M.	Ether Solubles P.P.M.	Total Solids P.P.M.	Suspended Solids P.P.M.	Volatile Suspended Solids P.P.M.	Phenols P.P.M.
6-17-71	12:40 PM	6.50	736	2,000	163.2	1,480	536	440)	
6-18-71	10:35 AM	6.75	374	1,850	144.0	1,540	636	) 588)	Positive
6-21-71	1:45 PM	6.8	195	1,600	131.2	1,220	560	280)	
6-22-71	9:20 AM	6.8	225	1,750	180.0	1,140	1808	) 1612)	Composite Over
6-23-71	1:50 PM	7.8	288	850	183.2	1,540	270	) 208)	0.35
6-24-71	9:00 AM	7.0	282	700	128.0	1,070	544	492)	Composite
6-25-71	9:30 AM	6.9	-	540	88.8	870	220	) 194)	0.20
6-28-71	9:45 AM	7.2	-	480	97.6	990	492	) 454)	
6-29-71	9:15 AM	7.1	237	560	76.0	1,060	191	168)	
6-30-71	9:10 AM	6.9	260	420	66.4	1,020	100	) 88)	Composite Over
7- 1-71	9:30 AM	6.9	440	1,660	272.8	3,420	446	) 354)	0.35
7- 2-71	9:20 AM	7.0	-	360	72.8	900	144	120	Over 0.35

TECHNICAL RESEARCH
AND DEVELOPMENT,
Topeka, Kansas,
7-7-71

MR. RADEMACHER: Are there any pertinent statements from anyone else?

MR. MARKEY: I have one additional statement.

There was concern expressed by Santa Fe over Thompson-Hayward Chemical's discharges to their sewer system. We have recently had meetings with the chemical company, both EPA and the State have had joint discussions with the chemical company, and the company has made a verbal commitment to complete treatment facilities or containment of pesticides prior to their formulation, the season which begins about December. If they cannot treat or contain this pesticide waste satisfactorily, they will discontinue the formulation of pesticides at this facility.

MR. RADEMACHER: Thank you, Mr. Markey.

There being no other statements, I think this brings us to a point where I might make a brief summary.

I think there has been a full and complete exploration of the issues of this particular case and should be valuable to all concerned in that we have defined, I believe, the problem as far as pollution is concerned and what appears to be appropriate remedial actions which have been proposed both by the--well, I

would say on a joint basis between the City and the Santa Fe Land Improvement Company.

As I understand it, the Santa Fe Land Improvement Company will by August 25, 1971, come forward with a finite schedule which will determine the specific times for the connection of the Santa Fe Land Improvement Company sewers to the City sewers and that included in that will be the City's participation and how they anticipate that such a schedule will be met with their part, and that the entire program will have recurrence so that the wastes will be amenable to treatment in the existing Kansas City, Kansas, facility. We hope that a remedial schedule can be arrived at that will not only meet the date that the order from the State has set, but will be substantially in advance of that.

So I would just make a further statement that as stated earlier that the record of this hearing shall be held open for 10 calendar days to receive any additional written statements should those be necessary, and I shall take this evidence as submitted and the proposals for corrective action under advisement and until August 25 or prior to that time upon the submission of the schedule by Santa Fe Land Improvement Company.

Summary - J. M. Rademacher

This hearing is adjourned.

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REPORTER'S CERTIFICATE

I, Virginia H. Rankin, Certified Shorthand Reporter, hereby certify that the proceedings had in the matter set out in the caption page hereof were reported in shorthand by me, afterwards transcribed, and that the foregoing pages numbered 1 to 69, inclusive, contain a true transcript of said shorthand notes.

_____

Certified Shorthand Reporter

Virginia Hough Rankin, CSR
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KANSAS CITY, MISSOURI 64130